

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: September 2, 2016

SUBJECT: BZA Case 19326 (1167 Morse Street, N.E. for a special exception to convert a one-family dwelling to a three-unit building

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception:

- Subtitle U, 320.2, Conversion of an existing residential building existing prior to May 12, 1958 to an apartment house

II. LOCATION AND SITE DESCRIPTION

Address	1167 Morse Street, N.E.
Applicant	Aaron M. Hotaling
Legal Description	Square 4070, Lot 119
Ward, ANC	Ward 5, ANC 5D
Zone	RF-1
Lot Characteristics	Rectangular lot with rear alley access
Existing Development	Two-story row house with two dormer window embellishments and a front porch
Adjacent Properties	Two-story row houses with one or two dormer window embellishments and front porches
Surrounding Neighborhood Character	Moderate density residential
Proposed Development	Conversion and expansion of one-family dwelling into a three-unit apartment building, including modification to the front facade

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone: RF-1	Regulation	Existing	Proposed	Relief
Height: E § 303.2	35-foot max.	20 feet	34.17 feet	None Required
Lot Width: E § 201.1	18 feet	19.44 feet	19.44 feet	None Required
Lot Area: E § 201.1	1,800 sq. ft. min.	2,826 sq. ft.	2,826 sq. ft.	None Required
Dwelling Units: E 302	1/900 sq. ft.by SE	One	Three	Required
Lot Occupancy: E § 304.1	60% max.	30%	60%	None Required
Rear Yard: E § 306.1	20-foot min.	ft.	20 feet	None Required

IV. OFFICE OF PLANNING ANALYSIS

Special Exception Relief pursuant to Subtitle U, Chapter 3, § 320.2

- i. 320.2 Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house shall be permitted as a special exception in an RF-1, RF-2, or RF-3 zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the following conditions:*

The subject building is located within the RF-1 zone and was constructed in 1917, prior to May 12, 1958.

(a) The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.), except that the Board of Zoning Adjustment may grant a special exception from this limit under Subtitle X, Chapter 9, subject to the following conditions:

The proposed building height is 34.17 feet, less than the maximum of 35 feet permitted.

(b) The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.6;

Not applicable. The application proposes three dwelling units.

(c) There must be an existing residential building on the property at the time of filing an application for a building permit;

A residential building exists on the property.

(d) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit;

The lot is 2,826 square feet in area, resulting in 942 square feet of land per dwelling unit.

(e) An addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on an adjacent property;

The addition would extend more than 10 feet beyond the rear walls of the neighboring properties and the applicant has requested that this provision be waived. The application requests a distance of 29 feet 2.5 inches to the rear wall of the property to the west and a distance of 38 feet 2.5 feet to the rear wall of the property to the east.

(f) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;

The applicant has consulted with the owner of the adjoining property at 1165 Morse Street and proposes to raise the height of the chimney at the expense of the applicant so as not to impede its functioning.

(g) Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator;

The applicant is not aware of any existing or permitted solar energy system on an adjacent property.

(h) A roof top architectural element original to the house such as a turret, tower, or dormers shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size;

The applicant proposes to make changes to the front of the dwelling and has requested this provision be waived. The front porch would be made smaller to permit light into the basement windows, but remain architecturally similar and in character with the existing porch. A third floor would be added, maintaining a mansard roof at the front of the building and the piers on either end. OP is in agreement with the waiving of this provision.

(i) Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(1) The light and air available to neighboring properties shall not be unduly affected;

The rear yard of the subject property faces south. As such, the building addition onto the rear of the property would have minimal effect on light and air on the adjoining properties to the east and west during the main part of the

day, but some shadowing in the morning (for the property to the west) and the evening (for the property to the east).

(2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and

Although the rear addition would extend out more than ten feet from the furthest rear wall of an adjoining residential building, the extent and size of this rear addition, with no windows or other openings on either side, would prevent the occupants of the subject property from the ability to see into much of the adjoining rear yards, including the rear deck on the property to the east, positively affecting privacy.

(3) The conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street or alley;

The proposed rear addition to the subject property would be visible from the rear alley. The existing facades along that alley include a variety of treatments, including decks and screened porches. The rear addition to the subject property would include screened porches, similar to the one on the adjoining property to the west, and consistent with the existing pattern of houses along the alley.

(j) In demonstrating compliance with Subtitle U § 320.2(a)(7) the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways;

The applicant submitted plans, photographs and section drawings sufficient to represent the relationship of the conversion and addition to adjacent buildings.

(k) The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block;

OP makes no recommendations for special treatment.

(l) The Board of Zoning Adjustment may modify or waive not more than three (3) of the requirements specified in Subtitle U §§ 320.2(e) through § 320.2(h) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle U § 320.2(i); and

The applicant has requested that the Board waive § 320.2(e) and (h), as described above.

(m) An apartment house in an RF-1, RF-2 or RF-3 zone, converted from a residential building prior to June 26, 2015, or converted pursuant to Subtitle A §§ 301.9, 301.10, or 301.11 shall be considered a conforming use and structure, but shall not be permitted to expand either structurally or through increasing the number of units, unless approved by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, and this section.

This section is not applicable.

ii. X § 901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

(a) Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The subject application would permit the conversion of this row house to three dwellings on a lot of sufficient size to support the number of units requested. It would also permit the continued residential use of the property, in a zone where conversions are permitted.

(b) Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposal would not tend to adversely affect neighboring properties. The building additions are designed to be architecturally compatible with existing surrounding development.

V. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

VI. COMMUNITY COMMENTS

The SMD Commissioner for ANC 5D06 submitted a letter to the file requesting the hearing be postponed.

